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App. Ser. No.: 09/877,392
Atty. Dkt. No. ROC920010089US1
PS Ref. No.: IBMK10089

REMARKS

This is intended as a full and complete response to the Office Action dated September 23, 2005, having a shortened statutory period for response set to expire on December 23, 2005. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-3, 5-22 and 24-41 are pending in the application. Claims 1-3, 5-7, 9-22, 24-38 and 40-41 remain pending following entry of this response. Claims 1, 2, 14, 25, 31, 32, 34, 38 and 40 have been amended. Claims 8 and 39 have been cancelled. Applicant submits that the amendments do not introduce new matter.

Claim Rejections - 35 U.S.C. § 112

Claim 14 is rejected under 35 U.S.C. 112, 2nd paragraph. Applicant has amended claim 14 as suggested by the Examiner. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

Claim Rejections

Claims 1, 3, 5-7, 18, 24, 31, 33, 35-38 and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by *Wilson*, US 6,813,609.

Applicant respectfully traverses this rejection. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The

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elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

In this case, *Wilson* does not disclose "each and every element as set forth in the claim." For example, *Wilson* fails to disclose providing the driver of a vehicle with driving information on a display of a pay-at-delivery system (PADS), wherein the display is integrated with the pay-at-delivery system, and wherein the driving information comprises at least one of a listing of travel routes to a pay at delivery system (PADS), a vehicle recall alert, a calculation of fuel efficiency for the vehicle, and a service reminder for the vehicle," as recited by claims 1 and 31. Applicant notes that the Examiner concedes that *Wilson* fails to disclose this limitation. See *Office Action*, p. 9. Accordingly, Applicant respectfully request that the rejection under 35 U.S.C. § 102(e) be withdrawn. However, as amended, claims 1 and 31 recite a limitation from claims 8 and 39. The Examiner rejects claims 8 and 39, under 35 U.S.C. 103(a) as being unpatentable over *Wilson* as applied to claims 1 and 31 in view of *Sepe*, (US 6,792,321). Accordingly, Applicant addresses the rejection of claims 8 and 39 in reference to claims 1 and 11.

The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. See MPEP § 2142. To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP § 2143. The present rejection fails to establish at least the first limitation.

The Examiner asserts that:

Sepe discloses real-time remote monitoring and controlling of a vehicle via a network such as the Internet with an in-vehicle GUI. Using Internet based communications such as e-mail or browser based sessions, a series of remote instructions are sent from a computer to the vehicle to be monitored and controlled. Monitoring is continuous and automatic with

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service and preventive maintenance alerts initiated only when needed to the relevant parties

See *Office Action*, p. 8 (emphasis in original). However, the material from *Sepe* referenced by the Examiner is directed to an "intelligent door monitoring system." Set out in full, the passages relied on by the Examiner provide:

The present invention's intelligent door monitoring system (IDMS) is designed to allow automatic monitoring of door entrances by sending an email alert to a maintenance organization when a door is in need of service or when preventive maintenance is recommended. *Monitoring is continuous and automatic with service alerts initiated only when needed.*

Sepe, 5:19-23.

As the context of this passage makes clear, the "*service and preventive maintenance alerts*" disclosed by *Sepe* and relied on by the Examiner, in fact, have nothing whatsoever to do with providing information to the driver of a vehicle while at a pay at delivery system. Instead, this material is directed to a system for monitoring an automatic door. Therefore, Applicant submits that the Examiner's reliance on the description of an "intelligent door monitoring system" with respect to the present claims is misplaced.

Applicant notes that *Sepe* also discloses an embodiment directed to monitoring "the fuzzy efficiency optimization of [a] hybrid electric vehicle (HEV) starter/alternator." *Sepe*, 7:65 - 8:1. As disclosed in *Sepe*, "In a specific embodiment, the Web enabled motor experimentation platform provides digital control of an 8 kW induction motor starter/alternator and a programmable load." *Sepe*, 8:1-3. However, this embodiment is provided to monitor the performance characteristics of an experimental hybrid motor, and not, to presenting drivers of a vehicle with any of a vehicle recall alert, a calculation of fuel efficiency for the vehicle, and a service reminder for the vehicle.

Accordingly, for all the foregoing reasons, Applicant submits that independent claims 1 and 11 are allowable. Applicant requests, therefore, the withdrawal of this rejection and the allowance of claims 1, 11, and all claims dependent therefrom.

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Claims 17, 19-22, 34 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Wilson* as applied to claims 1 and 31 above, and further in view of certain Official Noticed facts. Applicant believes that the above remarks regarding independent claims 1 and 11 obviates the need for a detailed discussion of the rejection of dependent claims 17, 19-22, 34 and 40. Applicant requests, therefore, the withdrawal of this rejection and the allowance of these claims.

Claims 15, 16 and 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Wilson* as applied to claim 1 above (as to claims 15-16), and further in view of *Lee et al.*, US 6,374,177 B1 (hereinafter *Lee*).

Regarding claims 15 and 16, Applicant believes that the above remarks regarding independent claim 1 obviates the need for a detailed discussion of the rejection of dependent claims 15 and 16.

Regarding claims 25-30, Applicant respectfully traverses this rejection. The combination of *Wilson*, in view of *Lee*, fails to disclose a method that includes retrieving, if the destination of the vehicle is obtained, at least one route from the current location to the destination location; retrieving, for each route retrieved, at least one of traffic information, emergency information and weather information; and providing the retrieved traffic information, emergency information and weather information on a display at a pay-at-delivery system (PADS), wherein the display is integrated with the pay-at-delivery systems, as recited by claim 25. *Lee* discloses "an internet radio for portable applications and uses such as in an automobile." Any information available over the internet radio disclosed by *Lee* would be capable of being displayed on the internet radio device. i.e., inside a vehicle, and not, on a display integrated with a pay-at-delivery systems. Combining the in-vehicle internet radio device with the system of *Wilson* would be redundant. There would be no point in both displaying information presented to the driver of a vehicle on the internet radio device and displaying this information on the integrated display at a PADS.

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Accordingly, for all the foregoing reasons, Applicant submits that independent claim 25 is allowable. Therefore, Applicant requests withdrawal of this rejection and the allowance of claim 25 and claims 26-30 dependent therefrom.

Claims 2, 8-10, 32 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Wilson* as applied to claims 1 and 31 above, and further in view of *Sepe*, US 6,792,321.

Applicant believes that the above remarks regarding independent claims 1 and 11 obviates the need for a detailed discussion of the rejection of dependent claims 2, 9, 10, and 32. Therefore, Applicant requests withdrawal of this rejection and the allowance of these claims.

Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Wilson* as applied to claim 1 above, and further in view of *Zimmerman*, US 2004/0230498 A1.

Applicant believes that the above remarks regarding independent claim 1 obviates the need for a detailed discussion of the rejection of dependent claims 11 – 14. Therefore, Applicant requests withdrawal of this rejection and the allowance of these claims.

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Conclusion

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicant's disclosure than the primary references cited in the office action. Therefore, Applicant believes that a detailed discussion of the secondary references is not necessary for a full and complete response to this office action.

Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully requests that the claims be allowed.

Respectfully submitted,



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